

## **REMARKS**

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

### **Rejection Under 35 U.S.C. §112**

Claims 39-51, 53 and 54 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of claims as presently amended, applicant respectfully traverses this rejection.

Claims 39-51 has been amended to more clearly point out that this group of claims is directed to method steps. Applicant respectfully submits that claim 39-51, as amended, are not indefinite.

Claim 53 has been amended to clarify the relationship of the optical resonator with the stabilized laser of claim 52. The further limitation is shown in FIG. 3. Applicant respectfully submits that claim 53, as amended, is not indefinite.

### **Rejection Under 35 U.S.C. §102**

Claim 52 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,305,134 to Tsushima et al. However, the Examiner also states that “the recitation ‘adapted to’ is not given patentable weight, as it does not further limit the apparatus as claimed”. Presumably, the Examiner’s statement also means that the functional limitations after “adapted to” has also not been given patentable weight.

In response, claim 52 has been amended to more positively recite the function of the claimed elements. Since claim 52 no longer uses the words “adapted to”, the functional limitations of the stabilized laser and photodetector should now be entitled to consideration.

In this regard, Tsushima et al. does not have “a stabilized laser that provides a reference optical signal spectrally offset from an optical carrier of the plurality of optical carriers by a spectral quantity within a predetermined bandwidth” or “a photodetector that mixes the reference optical signal with the plurality of optical carrier frequencies to create a heterodyne beat frequency with a closest optical carrier frequency”. Since Tsushima et al. lacks a stabilized laser and photodetector that perform these functions, Tsushima et al. does not do the same thing in the same way as that of the claimed invention. Since Tsushima does not do the same thing in the same way, the rejection is now believed to be improper and should be withdrawn.

#### Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

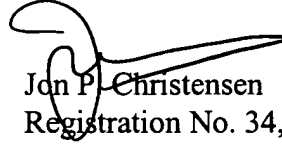
The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit

Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

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